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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,135	06/07/2001	Kiju Ito	209630US2X	7668

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EXAMINER
SOTOMAYOR, JOHN

ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 02/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

> A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
> THE MAILING DATE OF THIS COMMUNICATION.
> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
>   after SIX (6) MONTHS from the mailing date of this communication.
> - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
> - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
> - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). '
> - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
>   earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _07 June 2001_ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-22_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-22_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _07 June 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

     If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☒ All   b)☐ Some *   c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

     a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application (PTO-152)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   6) ☐ Other: .

DETAILED ACTION

1.   The title of the invention is not descriptive. A new title is required that is clearly

indicative of the invention to which the claims are directed.

2.   The following title is suggested: System and method for enhancing people's will to

achieve results.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.   Claims 1,4,5,8,9,15,16 and 22 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. The applicant has not shown how the plurality of factors

stated in the claims reliably contribute to the enhancement of the personality trait shown in the

claims, causing confusion about the claims and rendering them indefinite.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6.   Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Bonnstetter et al

(US 5,551,880).

7.   Regarding claims 1 and 4, Bonnstetter et al discloses a selection system comprising an

output of questions to targeted users, a processor that receives responses to the questions,

calculates a numerical value for the responses, and compares the calculated coefficient to a

standard reference value and uses this comparison to predict a personality trait that will achieve

success (Col 3, and Col 4, lines 1-20).

8.   Regarding claim 2, Bonnstetter et al discloses a selection system comprising a memory

device in which the evaluation values for the question responses are stored (Col 5, lines 29-32).

9.   Regarding claim 3, Bonnstetter et al discloses a selection system that generates a plurality

of evaluation values showing tendency to one another, an evaluation vector and that these values

are stored in a storage device (Col 5, lines 29-48 and Lookup Table in Col 14).

10.   Regarding claim 5, Bonnstetter et al discloses a selection system comprising an output of

questions to targeted users, receiving responses to the questions, calculates a numerical value for

a correlation coefficient representing the responses of users, and selecting the calculated

coefficient where the calculated factor is equal to or greater than a standard reference value used

to predict a personality trait that will achieve success (Col 3, and Col 4, lines 1-20 and Lookup

Table in Col 14).

11.   Regarding claim 6, Bonnstetter et al discloses a selection system that stores the

calculated evaluation value corresponding to the responses to questions in memory (Col 5, lines

29-32).

12.   Regarding claim 7, Bonnstetter et al discloses a selection system that generates valuation

vectors based on the response to questions, generates a cluster of vectors showing similar

tendencies to one another, and stores these vectors in memory (Col 5, lines 29-57).

13.   Regarding claim 8, Bonnstetter et al discloses a program for controlling a computer

comprising an output of questions to targeted users, receiving responses to the questions,

calculates a numerical value for a correlation coefficient representing the responses of users, and

selecting the calculated coefficient where the calculated factor is equal to or greater than a

standard reference value used to predict a personality trait that will achieve success (Col 3, and

Col 4, lines 1-20 and Lookup Table in Col 14).

14.   Regarding claims 9 and 15, Bonnstetter et al discloses a determination system comprising

a computerized system for determining personality traits of target people which includes a

memory device for storing reference data, an output device for presenting questions to people,

and a processor that receives responses to questions and determines properties of target people

based on a numerical evaluation representing the response to questions posed (Col 3, and Col 4,

lines 1-20 and Lookup Table in Col 14).

15.   Regarding claims 10-12, Bonnstetter et al discloses a determination system comprising

reference data the includes a numerical evaluation value for question response (claim 10), a

plurality of evaluation values combined to form an evaluation vector (claim 11), and a calculated

factor related to a success oriented personality trait (claim 12) (Col 3 and Lookup Table in Col

14).

16.   Regarding claims 13 and 14, Bonnstetter et al discloses a determination system in which

the properties determined for target people are shown to the target people (claim 13) and an

output device which displays the determined properties (claim 14) (Col 2, lines 30-34 and

Lookup Table in Col 14).

17.   Regarding claim 16, Bonnstetter et al discloses a method comprising a computerized system which includes a memory device for storing reference data, an output device for presenting questions related to a plurality of factors, and receiving responses to questions and determining properties of target people based on a numerical evaluation representing the response to questions posed (Col 3, and Col 4, lines 1-20 and Lookup Table in Col 14).

18.   Regarding claim 17, Bonnstetter et al discloses a method that comprises reference data that includes a numerical evaluation value for question response (Col 10).

19.   Regarding claim 18, Bonnstetter et al discloses a method in which related evaluation vectors numerically representing the responses to questions are stored in a cluster (Col 12).

20.   Regarding claim 19, Bonnstetter et al discloses a method for referring responses to questions from a plurality of respondents in the same group and determining the properties of the group which are related to personality traits that contribute to success (Col 17, lines 35-67).

21.   Regarding claim 20, Bonnstetter et al discloses a method of showing an instruction created in accordance with determined personality traits to the target people (Col 2, lines 30-34).

22.   Regarding claim 21, Bonnstetter et al discloses a method that outputs the determined properties related to personality traits for respondents (Col 3, lines 65-67).

23.   Regarding claim 22, Bonnstetter et al discloses a program for controlling a computer comprising an output of questions to targeted users, receiving responses to the questions, and compares the numerically calculated coefficient value to a standard reference value and uses this comparison to predict personality traits that will achieve success (Col 3, and Col 4, lines 1-20).

Conclusion

24.   It appears that applicant is claiming more than one independent and distinct invention.

Under 37 C.F.R. §1.142 the requirement for restriction may be required in the future action.

25.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. Merrill et al (US 5,954,510) for a discussion of an interactive method for the

accumulation of success oriented metrics and their dissemination.

26.   Buffington et al (US 6,159,015) for a discussion of a system for measuring the

development level of behaviors used to profile personality traits.

27.   Fontana et al (US 6,361,326 B1) for a discussion of the methods and systems for teaching

thinking skills through the use of questionnaires.

28.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to John L Sotomayor whose telephone number is 703-305-4558.

The examiner can normally be reached on 6:30-4:00 M-F.

29.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the

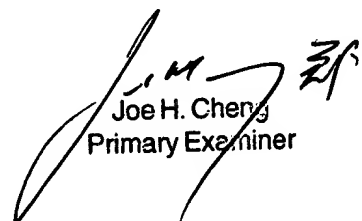organization where this application or proceeding is assigned are 703-308-7768 for regular

communications and 703-308-7768 for After Final communications.

30.   Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-305-4558.

jls
January 22, 2003

Joe H. Cheng
Primary Examiner